

REMARKS

Claims 1-12 and 16 are pending in this application. By this Amendment, Figs. 8(a) and 8(b) are amended. No new matter is added. Reconsideration in view of the foregoing amendment and the following remarks is respectfully requested.

The courtesies extended to Applicants' representative by Examiner Xu at the interview held January 24, 2006, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Notice of Non-Compliant Amendment states that the amendment in Figs. 8(a) and 8(b) submitted with the October 20, 2005 Amendment is noncompliant because the words "Related Art" do not belong on drawings. During a January 23, 2006 telephone interview, the Examiner indicated that the figures must be labeled as "Prior Art" because the figures show "conventional" filters as described in the specification at page 6, lines 24-26. However, Applicants respectfully submit that the portion identified is the "Brief Description of the Drawings." Figs. 8(a) and 8(b) are actually described on pages 1 and 2 in the section called "Description of the Related Art." Thus, labeling the drawings "Related Art," which clearly indicates they are not the invention, is entirely proper and in compliance with both the law, Federal Regulation, and the policy guidance for Examiners found in the Manual for Patent Examining Procedures (MPEP). MPEP §608.02(g) clearly states that figures should be designated by a legend such as --Prior Art--. Nowhere in MPEP states that the figures must be labeled as "Prior Art." Therefore, the objection on and issuance of a Notice of Non-Compliant Amendment is improper.

However, in order to avoid unnecessary delay in prosecution and advance the prosecution, Applicants amend Figs. 8(a) and 8(b) with "Prior Art" labels.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12 and 16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Cliff
Registration No. 27,075

Robert A. Miller
Registration No. 32,771

JAO:KXH/tbh

Attachment:

Replacement Sheet (Figs. 8(a) and 8(b))

Date: January 27, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Figs. 8(a) and 8(b) and replaces the original sheet with Figs. 8(a) and 8(b).

Attachment: Replacement Sheet